**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3272**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Rep. Pitts

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Introduced in the House on January 12, 2011

Currently residing in the House Committee on **Invitations and Memorial Resolutions**

Summary: Education Department of United States

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2011 House Introduced ([House Journal‑page 16](file:///h:\hj%20archive\2011\01-12-11.docx))

1/12/2011 House Referred to Committee on **Invitations and Memorial Resolutions** ([House Journal‑page 16](file:///h:\hj%20archive\2011\01-12-11.docx))

**VERSIONS OF THIS BILL**

[1/12/2011](file:///p:\pprever\2011-12\3272_20110112.docx)

**A** **CONCURRENT RESOLUTION**

TO DECLARE THE UNITED STATES DEPARTMENT OF EDUCATION TO BE AN UNCONSTITUTIONAL ENTITY, TO UPHOLD THE UNITED STATES CONSTITUTION AND THE TENTH AMENDMENT RESERVATION OF UNENUMERATED POWERS TO THE STATES, AND TO PROVIDE THAT THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA WILL NOT ACKNOWLEDGE OR RECOGNIZE DIRECTIVES REGARDING THE ESTABLISHMENT OF EDUCATIONAL POLICY IN THIS STATE.

Whereas, the members of the South Carolina General Assembly, as elected officials, have each independently taken an oath to uphold the Constitution of the United States; and

Whereas, preserving the integrity of our Constitution is essential to preserving both the appropriate jurisdiction of and the limitations upon our federal government; and

Whereas, unauthorized government intrusion beyond the parameters outlined within the Constitution is tantamount to a direct assault upon the rights of the states and ultimately an assault upon the rights of the sovereign, the people; and

Whereas, to allow such a blatant attack upon the rights of the states and the people to go unchecked would be to allow the establishment of tyranny; and

Whereas, in preserving and upholding the Constitution, it is incumbent upon the South Carolina General Assembly to also recognize the Constitution’s nature as a document of enumerated powers and that the Tenth Amendment specifically reserves all other rights not enumerated therein to the states and the people; and

Whereas, authority over educational policies does not fall within the purview of the federal government and as such, all efforts by the federal government towards this control are unconstitutional; and

Whereas, any federal legislation that attempts to impact the direction of educational policy is made in excess of Congress’ authority and devoid of any merit; and

Whereas, the United States Department of Education is an unconstitutional bureaucracy, an inappropriate financial burden upon taxpayers of the United States, and is without authority to impose any meaningful or substantive restrictions upon the State of South Carolina or any of its independent school districts; and

Whereas, the South Carolina General Assembly does hereby publicly declare the United States Department of Education to be an unconstitutional entity which is totally devoid of any rightful authority; and

Whereas, the South Carolina General Assembly will not in any way acknowledge or recognize directives regarding the establishment of educational policy for the State of South Carolina from either the United States Department of Education or from unconstitutional federal legislation. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly of the State of South Carolina, by this resolution, declare the United States Department of Education to be an unconstitutional entity, to uphold the United States Constitution and the Tenth Amendment reservation of unenumerated powers to the States, and to provide that the General Assembly of the State of South Carolina will not acknowledge or recognize directives regarding the establishment of educational policy in this State.

Be it further resolved that a copy of this resolution be forwarded to United States Department of Education and that a copy of this resolution be included in the permanent records of the South Carolina General Assembly.

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